

(212) 725-4600

AARON M. RUBIN, ESQ.
99 Wall Street Suite 1130
New York, New York 10005

arubin@amresquire.com

August 16, 2022

By ECF

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

The request is granted. So ordered.
/s/ Alvin K. Hellerstein
August 17, 2022

Re: Perkins v. City of New York, et al., 18-CV-06397 (AKH)

Dear Judge Hellerstein,

I am the attorney for Plaintiff and write to provide a status update for this case in response to the Court's Order entered August 8. I submit this update after discussion with counsel for all the parties.

To date, the parties have engaged in extensive discovery including the exchange of documents and materials and several depositions. The parties are jointly requesting an extension to November 30 for the time to complete discovery, which is anticipated to include the deposition of an incarcerated individual, and likely two additional depositions of corrections officers, and the possible discovery of documents relating to those depositions.

As a matter of background, Plaintiff first filed this civil rights lawsuit in 2018 against the City of New York and certain corrections officers at Rikers Island relating to a sexual assault that she sustained as an inmate at Rikers by another inmate, Alexandria James. In particular, Plaintiff alleged that corrections officers punitively housed her with James, a known violent inmate, and then failed to protect her from the assault.

There have been several delays to the proceedings. The Court granted a stay in 2019 from July to December at the request of the United States Department of Justice, which had opened its own investigation into the matter. (In December 2019 the DOJ advised the Court that it was no longer requesting a stay) The proceedings were subsequently further delayed by the slowdowns relating to COVID-19, which significantly complicated the ability of the City's agencies to obtain relevant documents in response to Plaintiff's discovery requests and to conduct depositions, especially involving corrections officers at Rikers Island for which there were staffing issues. Additionally, the case was transferred at least three times to different attorneys at the City Law Department, which also contributed to delays.

There has been a significant exchange of materials in discovery. The City provided materials obtained from Rikers Island, and the Bronx District Attorney's Office responded to Plaintiff's subpoena with additional materials. Prior to COVID-19, Plaintiff

Honorable Alvin K. Hellerstein, U.S.D.J.
Perkins v. City of New York, et al., 18-CV-06397 (AKH)
August 16, 2022
Page 2 of 2

deposed the two named captains from Rikers Island. More recently this year, counsel for the City took the deposition of Plaintiff in May, and Plaintiff deposed an additional deputy warden in June.

The parties anticipate likely three additional depositions. The City has indicated that it intends to depose Alexandria James, who is presently incarcerated, and the parties are discussing the logistical and scheduling arrangements necessary to conduct it. Additionally, Plaintiff will be seeking the deposition of another deputy warden, and possibly one more corrections officer, as a follow up to issues raised in the prior deposition in June, and any documentary discovery relating to those issues.

For the foregoing reasons, the parties respectfully request an extension of the time to conduct fact discovery until November 30.

Respectfully submitted,

s/

Aaron M. Rubin, Esq.
Attorney for Geraldine Perkins

cc: (*via ECF*)

Steve Stavridis
New York City Law Department
Attorney for the City of New York

James G. Frankie
Frankie & Gentile, P.C.
Attorney for Captains Leena Eddy & Lashane Nembhard